

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN LEWIS,

Plaintiff,

vs.

RICHARD MORGAM, STEVEN
SINCLAIR, MICHAEL PONTI,
RONDLE VAN BOENING, ELDON
VAIL, MARGE LITTRELL, KAYE
ADKINS, A. WALTER, FREDERICK
IVEY, LONNIE ROBERTS, A.
SERVEN, SANDI JACOBSON,
CARLA SCHETTLER, CLIFF
PEASE, KAREN CAGLE, GRAY
ROSSO, REBBICA AND JOSE
CARDELL, DR. R. FLECK, P.A.
LOPEZ, CYNTHIA NUNLEY, and
JOHN MOORE,

Defendants.

NO. CV-05-5118-FVS

ORDER DISMISSING COMPLAINT WITHOUT
PREJUDICE

BEFORE THE COURT is Plaintiff John Lewis's Motion to Voluntarily Dismiss Complaint pursuant to Fed. R. Civ. P. 41(a). Defendants have not been served in this action. Accordingly, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 13) is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**. Although granted the opportunity to do so, Plaintiff did not file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed. Therefore,

1 Plaintiff still is obliged to pay the full filing fee for this action
2 pursuant to 28 U.S.C. § 1915(b).

3 **IT IS SO ORDERED.** The District Court Executive is directed to
4 enter this Order, forward a copy to Plaintiff, and close the file.

5 **DATED** this 23rd day of February 2006.

6
7 s/ Fred Van Sickle

8 FRED VAN SICKLE
9 UNITED STATES DISTRICT JUDGE
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